Sectt. II-27--40.000--20-12-39.

Edn & P.H (193) Department.

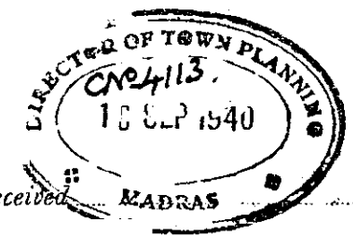
PUBLIC SERIES.

G.O. No. 4657 P.H. 9

Dated 4-10-1940

[Despatch Abstract]

Building Rules – Mangalore Municipality – Construction by Stri K. Kanthappa – Exemption from rule 24(1) – Orders passed.



DEPARTMENT.

Received ..... 19 *Registered* 19

Subject.

Building Rules -- Madras District Municipalities Act -- Rule 24 -- Waiver -- Requested.

ENCLOSURES.
No. 3
Spare copies

C4/ No. 10655/39

Station Mangalore, *Dated the* 7th September 1940.

From (Name) Sri M. Narayana Shenoy, B. A., B. L.,
(Designation) Commissioner, Mangalore Municipality,
MANGALORE.

To The Secretary to the Government of Madras,
Education & Public Health Department.
Through The Chairman, Municipal Council, Fort St. George, Madras.
Mangalore &
The Director of Town Planning.
Madras.

Sir,

I am to bring the following case where the Municipal Council has recommended the relaxation of the Building Rules and request Government may be pleased to permit the same in the light of the reasons given and allow the issue of licence to the party.

The Sanitary Inspector attached to this Municipality reported that one Sri K. Kanthappa was altering and

reconstructing a bathroom in T.S.No. 84/1A1 of 12th ward without obtaining a licence and a notice of prosecution was issued to Sri K.Kanthappa. He thereupon applied for licence to reconstruct and alter a bathshed into a store room and bathshed but licence was refused as there is no 10 ft of vacant space at the rear of the building. An appeal was preferred by the party against this order and the Council referred the matter to a Committee. The Committee in its report (copy enclosed) recommended that licence be granted subject to certain conditions laid down by the Committee in its report. The Council in its resolution No.3[illegible] dated the 18th December 1939 (copy enclosed) accepted the recommendation of the Committee. The ~~reconstruction~~ Resolution of the Council was communicated to the party and though he was granted sufficient time to carry out the conditions laid down by the Committee, he failed to comply with these conditions whereupon licence was again refused and the party prosecuted. The prosecution ended in conviction of the party and he was fined Rs.3/- by the Court.

The party, however, subsequently represented that he had carried out the improvements required of him and requested that the prosecution be withdrawn. On verification it was found that the conditions laid down by the Committee have been fulfilled The room shown in the plans as kitchen has been demolished and a bigger window has been provided in the place of an old small one. The rooms reconstructed by the party are being used as "store-room" and "bath-room" Taking this fact into consideration and also the fact that the reconstructed portion existed before, I request that Government may be pleased to condone the action of the party and waive Rule 24(1) of the Building Rules and permit the issue of licence to the party.

Commissioner, M.M.

DESPATCHED
Forwarded:
Dated:

B Venkataramana Baker
Chairman, M.C.

HDU

Mangalore,
3rd December 1939.

Appeal petition of Sri K. Kanthappa owner of T.S.No.82-1A1 of Ward No.12.

With reference to the above, referred to us we inspected the locality together and report the following points regarding the same.

1. The building has been cpmpleted without the necessary license according to the plan submitted by the applicant.

2. The area now occupied by the present bath-room and "store room" was originally used as a bath-room only, the present partition wall being only a few feet high before.

3. What has been marked as a kitchen in the plan is not being used as such, but serves as a passage room to the "store-room". This is a new construction on a vacant area before, that served to separate the original bath-room from the main building, and this new construction has un-doubtedly ~~visited~~ vitiated the ventilation of the whole building.

We recommend the licence be granted and 10 ft rule not insisted on if the following improvements are made.

1. Demolish the passage room named as kitchen-room in the plan and thus keep the space vacant.

2. The "store room" marked as store room be improved by providing bigger windows in the place of small windows now existing and be used only as store room for we have no doubt that at present it is being used as a dwelling room.

If this is agreed to by the party, licence may be granted without insisting on the 10 ft rule which otherwise becomes obligatory in as much as there has been a reconstruction of the original bath shed as also a new construction of the kitchen.

Sd/U.P.Mallya

Sd/N.Upendra Pai

Municipal Councillors.

/ True Copy /

Municipal Office, Mangalore,
Dated the 6th September 1940.

Commissioner, M.M.

No. .....

Extract from the Proceedings of the Mangalore Municipal Council at its meeting held on 18th December *19* 39.

Resolution No. 31

Read: Report dated the 3rd December 1939 from the Committee appointed as per council resolution No.27 dated the 7th August 1939 on the appeal petition of Sri K.Kanthappa against the orders of the Commissioner refusing license for the alteration of and addition to a building in T.S.No. 82-1A1 of 12th ward.

Committee's report is accepted.

x x x

Sd/B.Venkatarao Baliga,
Chairman, M.C.

/ True Extract /

Municipal Office, Mangalore,)
Dated the 6th September 1940.)

Commissioner, M.M.

HDU/9/9/40

Town Planning DEPARTMENT.

Received ..... 19 *Registered* 38853 19

Subject.

Building Rules - Mangalore Municipality - Construction by Sri K. Kanthappa - Rule 24 - Exemption.

ENCLOSURES.
No. .....
.....
Spare copies .....

D.T.P. No. 2495/40.

Station Mount Road, Madras *Dated the* 20th September, 1940

From (Name) S. Ranganathan, Esq., O.B.E., I.C.S.,
(Designation) Ex-Officio Director of Town Planning,

To The Secretary to the Government of Madras,
Education & Public Health Department.

Sir,

Ref: From the Commissioner, C4-No.10655/39 dated 7-9-40 to Govt.

Forwarded.

2. The party had reconstructed an existing bath-room and constructed newly a 'kitchen room' and a 'store room' in contravention of rule 24(1). The Council and the Committee appointed by it, recommended the case for exemption from the said rule subject to the following conditions.-

(1) Demolish the passage room named as 'kitchen room' in the plan and thus keep the space vacant.

(2) The 'store room' marked as store room be improved by providing bigger windows in the place of small windows now

p.t.o.

existing and be used only as store room for we have no doubt that at present is it being used as a dwelling room.

The Commissioner reports that the conditions laid down by the Council and the Committee have been fully complied with by the party.

The Government may be pleased to condone the action of the party and waive rule 24(1) of the Building Rules, as a special case.

(The construction will not be eligible under the new rules assuming that the site falls in a non-extension area).

Roc no 18540
45760

A

for Ex-Officio Director of
Town Planning, Madras.

ve.20/9.

9

C.F. 16.

Court(2) Dept

10/9/40
Date.

DRAFT FOR APPROVAL.

Initials.

SUBJECT:—

Building Rules - Mangalore Mky - Construction by Sri K. Kanthappa - Exemption from 44(1) - orders passed

When received for fair copying ..

When copied ..

When examined..

When signed ..

When despatched.

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO*:- Appl-Sel

No. 38853 From the Comm, Mangalore Mky C4/106557/39, dated 7.9. 1940

Appl-Sel under the D.T. " 24957/40 " 10 9 1940

" " " " 19____

Order Ms. Resolution Rout. No. 4657 dated 4. 10. 1940

page 3 ante

In its resolution no 318 of 187239 the Mangalore Mkt accepted the recommendation of the committee to grant licence to Sri K. Kanthappa for the building constructed by him in contravention of rule 44(1) of the Bldg rules to the power to exempt buildings from the operation of the building rules vests only in Govt the Mkt has acted in excess of its powers vested in it by law in having passed the above resolution.

The only thing
advised to modify the
restriction in question
as are of recommendation
to Govt for the grant of
exemption and the Govt
will then consider the
question of grant of the
exemption.

40 Y
28 Sept 30th

DMS
3/10/40

do

the Comm. Hangalore
with the Corp
Engr the and file
refd